

Timothy A. Peters
Founder/Helping Hands Korea
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Mr. Chairman and Committee Members, I would like to thank you for this opportunity to share my recent experiences relating to North Korean refugees and the extreme difficulties they face in China and surrounding countries. I believe that this hearing is most timely and appreciate your attention to this grave human rights problem. My testimony today will be a brief summary of views that are contained in my prepared statement.

As was the case when I was invited to appear before the International Relations Committee, first in May of 2002, then again in April of 2004, I would like to give prominent place to the fellow activists who have sacrificed so much in rescuing North Korean refugees. In 2002, I highlighted the imprisonment in China of South Korean Pastor Chun Ki Won. Last year, among others, I cited South Korean Choi Young Hoon, who, to this day, remains detained in China for a period that now approaches three years. In my written statement, I will include a fuller listing of all known detained activists and refugees, but I would like to emphasize one case in particular today. This year the arrow of misfortune has struck closer to home. Fellow American, Pastor Phillip Jun Buck, aged 68, was detained in May of this year in his courageous work of sheltering and protecting North Korean refugees. I am mentioning Pastor Buck in part because I have the privilege of knowing him personally and having the honor of being among the supporters of his refugee shelters in recent years. Phillip Buck would sometimes appear unannounced at our weekly Catacomb meetings in Seoul and share uplifting testimonies from his refugee shelters in China. Due to an auto accident during his years as a missionary in Russia, he suffers from sleep disorders that pose particular hardships in prison conditions in China.

I would ask, Mr. Chairman and Committee Members, that just as you exerted such swift and critical influence with the Chinese government that resulted in the release of Chun Ki Won in August of 2002, that you would give equal attention and commitment to the unjust and harsh imprisonment of fellow American Pastor Phillip Jun Buck. His case is particularly urgent as the bitterly cold northeastern China winter is almost upon us and our experience with other detainees suggests that his prison cell will be unheated in temperatures that will plunge many degrees below zero.

Mr. Chairman, a full year has now passed since the passage of the landmark North Korean Human Rights Act. of 2004. Many in the activist community remain, as I am, grateful to you and your colleagues for drafting and unanimously passing this legislation. Yet, I am compelled to be candid, as well. During my extensive travels related to the refugee work of Helping Hands Korea in the past 12 months, which included trips to China and its surrounding southeastern and northeastern countries, I have become increasingly troubled. A few examples, I hope, will illustrate my concerns.

During the summer, just as I was about to depart for China, I was given an update of a most dire situation of a 17-year old North Korean girl and her sister, who had been hiding

in a shelter after wading across the Tumen River. For the teenagers, this had been a second hazardous crossing. The first exodus with their parents had taken place, to the best of our knowledge, in late 2004. The girls' father had been an army officer in the military of the DPRK. Tragically, the entire family of four had been caught, as so many refugees are, by the Chinese authorities and quickly repatriated. It should come as no surprise that girls' father, upon his return, was swiftly executed for betrayal of the Fatherland. The army officer's wife was sent to a political prison camp. In the wake of these extraordinary personal tragedies, the two teen daughters demonstrated amazing resourcefulness and somehow managed to make a furtive second crossing into China. Shortly thereafter, a fellow activist brought their plight to my attention. On the very morning that was I was to leave for China, I was told that the younger, 14 year-old sister had wandered away from the shelter where she stayed with her older sister, and was picked up by the Chinese police.

Thanks to the arrangement of another activist here in the US, I was able to meet with US embassy officials in Beijing during that visit. I shared my urgent and grave concerns for the safety and fragile psychological state of the 17 year-old North Korean girl, who had so recently lost her father to a firing squad, her mother to the gulag and her sister to a Chinese police sweep. There was no question that there was sympathy in the room among those that were in the meeting. I proceeded to ask if there was any way that the US embassy could help in this extraordinary emergency. Might it be possible, for example, to secretly bring the teen under the protection of the US by slipping her into an embassy vehicle? Then I was startled by the response of one of the political officers of the embassy. I felt as though he took on almost a scolding attitude towards me, cautioning me against what he seemed to perceive as rash activities by North Korean human rights activists. In response to my pointed request for direct assistance for the psychologically shell-shocked teenager, the political officer replied that there was nothing that could be done by the embassy, except that an inquiry could be made with Chinese officials as a way to prevent the repatriation of the younger sister. I was then urged to seek out the assistance of the UNHCR office in Beijing. I thought to myself, "Is this the State Department's implementation of the North Korean Human Rights Act?"

A second example: Only two months ago, I was informed that eight North Korean refugees who had made their way across the China-Vietnam border had been kidnapped and were being held for ransom in a private house by a corrupt Vietnamese official near the border. In this difficult and rare case, we activists felt that the lives of the eight were in the balance, so did our utmost to negotiate a reduced ransom. We were successful and the refugees were released to our co-worker on the ground in Vietnam. I then immediately communicated their predicament to US embassy officials in Seoul, asking if their counterparts in Vietnam could take the eight refugees under their protection to prevent further kidnapping and extortion. A message from the US embassy in Vietnam and the State Department was relayed to me that, no, this would not be possible. To add insult to injury, because of strained diplomatic relations stemming from the airlift of about 480 North Korean refugees from Vietnam to South Korea last year, the South Korean Foreign Ministry told the US embassy official in Seoul that perhaps the best solution would be for us to take the eight refugees to yet another country! We could hardly believe our ears that

a US embassy official would relay such a message. In fact, however, that course of actions, was exactly what we were forced to do: guide the eight North Koreans across yet another dangerous frontier between Vietnam and Cambodia. Providence smiled on this operation and another activist and I traveled to Phnom Penh the next day to rendezvous with the refugees, interview them and guide them to a South Korean diplomatic mission there, which took them in. It is difficult for me to express my disappointment in my own government's failure to act in this emergency.

In a separate case, I learned in June of this year that a North Korean man had made his way to Thailand. All indications suggested that he belonged to a nascent resistance movement within North Korea. Due to political developments in South Korea that this refugee deemed to be overly submissive to Pyongyang, he hesitated to ask for resettlement in South Korea, worrying for his own personal safety there and the possible impediments to his continued liaison work with fellow resistance members in North Korea. He specifically requested assistance from activists to obtain entry into the United States. I immediately called an US embassy official in Seoul, whom I had found to be both knowledgeable and helpful in refugee matters. Outlining this refugee's remarkable situation, I asked the embassy official if he could coordinate communication with the State Department and his colleagues in Thailand to consider this man's exceptional situation, for which the North Korean Human Rights Act seemed particularly well-suited. He did so promptly. But again, the relayed responses from Washington and the US embassy in Bangkok were both opaque and equivocal. We were urged NOT to take him to the US embassy in Bangkok, but instead to the UNHCR office in Thailand to determine his status as a refugee and which country would be best suited for his resettlement. I was assured that if the UNHCR were to recommend his resettlement in the US, then the US would be willing to accept him. I agreed to take him to UNHCR, but I notified the State Dept. that there was a high likelihood that this man's movements were being monitored by North Korean agents in Thailand. Therefore, I requested a non-contact security escort for this North Korean refugee, a fellow activist and myself, as we physically escorted this resistance figure to the UNHCR office in Bangkok. I was told that the US embassy in Bangkok would not provide such security for us as we were not diplomats. On the day we took him to the UNHCR office, we simply invoked the power of prayer and the time-honored promises of Psalm 91 for our protection. I'm happy to report that no untoward incident occurred despite our obvious vulnerability.

What has transpired in the past four months was nothing short of a Catch-22 scenario between the UNHCR Bangkok office and the US embassy.

According to our understanding, the US embassy in Bangkok never came forward to declare to the UNHCR its willingness to take this refugee. We subsequently discovered that the UNHCR in Bangkok does not routinely make a determination of the suitability of other possible countries of resettlement for the North Korean refugees, but instead, simply treats them as de facto South Korean citizens. Consequently, this brave North Korean refugee, fell between the bureaucratic cracks and, at one point, ended up on the streets of Bangkok, working as an illegal construction worker to make ends meet. Finally, after months of waiting and flagging hopes, in early October this refugee resigned himself to the stark reality that the State Department would not be willing to invoke the provisions

of the North Korean Human Rights Act on his behalf, and contacted the Republic of Korea's embassy in Bangkok that he would go to South Korea. He still awaits processing and remains vulnerable in Thailand. This refugee's story will be explored in a CNN documentary on Nov. 11th, "Undercover in the Secret State."

Mr. Chairman, I apologize for going over my time limit. In sharing these actual North Korean refugee emergencies that my NGO has been involved in within recent months, I wish to highlight the fact that, in my opinion, the US State Department is seriously out of step with the spirit and the letter of the North Korean Human Rights Act, specifically when one of its intents is to facilitate refugee applications at US diplomatic missions abroad. To my knowledge, not a single North Korean refugee has been assisted in this way in the past 12 months since the Act's passage. I have personally outlined all of the above refugee operations in personal meetings with State Department officials that included director-level personnel in the PRM division in addition to frequent communication with US embassy personnel in Seoul, Korea. I have also shared these cases in an NGO meeting with Special Envoy Lefkowitz on his first day in his new position at the State Department.

One final comment, if I may, is to urge Congress to swiftly pass a long-overdue appropriations bill that would help the activist community do a better job of sheltering North Korean refugees and guiding those at particular risk along the so-called "underground railroad" to safety.

Thank you very much for this opportunity to share these experiences and views.